

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
10.28.16

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LLS NO. 17-0223.03 Thomas Morris x4218

COMMITTEE BILL

Committee on Legal Services

**BILL TOPIC:** "Correct Statutory Citation In Rule Without Hearing"  
**DEADLINES:** Finalize by: JAN 30, 2017 File by: FEB 1, 2017

**A BILL FOR AN ACT**

101 CONCERNING THE AUTHORIZATION OF A PROCESS TO CORRECT  
102 STATUTORY CITATIONS CONTAINED IN EXECUTIVE BRANCH  
103 AGENCY RULES PUBLISHED IN THE CODE OF COLORADO  
104 REGULATIONS WITHOUT THE REQUIREMENT TO FOLLOW  
105 RULE-MAKING PROCEDURES.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Committee on Legal Services.** Under current law, if an executive branch agency rule, including a form incorporated into a rule, contains a

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

citation to statute and the general assembly later amends the statute in a way that renders the rule's citation to the statute inaccurate, to update the statutory citation the agency must conduct a rule-making hearing, including issuing a notice and receiving comments. The bill allows agencies to correct statutory citations in the code of Colorado regulations without notice, comment, or a hearing by submitting to the secretary of state a specific, written determination by the attorney general.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-4-102, **amend**  
3 (16) as follows:

4 **24-4-102. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (16) "Rule-making" means agency process for the formulation,  
7 amendment, or repeal of a rule. "RULE-MAKING" DOES NOT INCLUDE A  
8 STATUTORY CITATION CORRECTION AUTHORIZED BY SECTION 24-4-103  
9 (11)(I).

10 **SECTION 2.** In Colorado Revised Statutes, 24-4-103, **add** (11)(I)  
11 as follows:

12 **24-4-103. Rule-making - procedure - definitions - statutory**  
13 **citation correction - repeal.** (11) (I) (I) AN AGENCY MAY REQUEST THE  
14 SECRETARY OF STATE TO CORRECT A STATUTORY CITATION CONTAINED IN  
15 A RULE, INCLUDING A FORM INCORPORATED INTO A RULE, AS PUBLISHED  
16 IN THE CODE OF COLORADO REGULATIONS IF:

17 (A) THE GENERAL ASSEMBLY HAS AMENDED THE STATUTE IN A  
18 MANNER THAT RENDERS THE RULE'S CITATION TO THE STATUTE  
19 INACCURATE; AND

20 (B) THE AGENCY SUBMITS TO THE SECRETARY A WRITTEN  
21 DETERMINATION BY THE ATTORNEY GENERAL THAT FINDS THAT THE  
22 CONDITION SPECIFIED IN SUBSECTION (11)(I)(I)(A) OF THIS SECTION

1 APPLIES, SPECIFIES WHAT THE CORRECT CITATION IS, AND IDENTIFIES EACH  
2 CITATION THAT SHOULD BE CORRECTED.

3 (II) UPON RECEIPT OF A REQUEST THAT COMPLIES WITH  
4 SUBSECTION (11)(I)(I) OF THIS SECTION, THE SECRETARY OF STATE SHALL  
5 CORRECT IN THE CODE OF COLORADO REGULATIONS EACH STATUTORY  
6 CITATION LISTED IN THE DETERMINATION SPECIFIED IN SUBSECTION  
7 (11)(I)(I)(B) OF THIS SECTION.

8 (III) A STATUTORY CITATION CORRECTION AUTHORIZED BY THIS  
9 SUBSECTION (11)(I) IS NOT RULE-MAKING AND NEED NOT COMPLY WITH  
10 ANY REQUIREMENTS OF THIS SECTION OTHER THAN THOSE SPECIFIED IN  
11 THIS SUBSECTION (11)(I).

12 **SECTION 3. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.